



**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

(1) Jeffrey W. Mitchem 164815  
(Name of Plaintiff) (Inmate Number)

HRYC# Po. Box 9561 Wilmington, De 19809  
(Complete Address with zip code)

(2) \_\_\_\_\_  
(Name of Plaintiff) (Inmate Number)

06 - 308

\_\_\_\_\_  
(Case Number)  
( to be assigned by U.S. District Court)

\_\_\_\_\_  
(Complete Address with zip code)

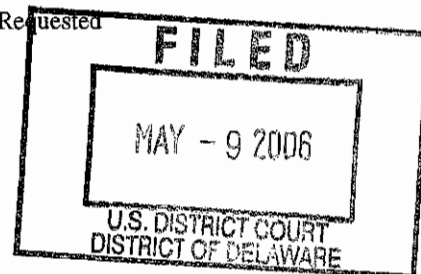
(Each named party must be listed, and all names  
must be printed or typed. Use additional sheets if needed)

vs.

**CIVIL COMPLAINT**

(1) Correctional medical Services (CMS),  
(2) ET. AL.; Ms. Othello (Kitchen Supvr);  
(3) Ms. Rice work Counselor  
(Names of Defendants)

• • Jury Trial Requested



(Each named party must be listed, and all names  
must be printed or typed. Use additional sheets if needed)

**I. PREVIOUS LAWSUITS**

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**II. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

A. Is there a prisoner grievance procedure available at your present institution? ☒ Yes ☐ No

B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ☒ Yes ☐ No

C. If your answer to "B" is Yes:

1. What steps did you take? I filed a Grievance for C.M.S.  
Refusing To Treat me

2. What was the result? I was Told my file & X-Rays  
were gone BUT They were supposed to Re X Ray  
BUT never Did, and Have ignored Sick calls

D. If your answer to "B" is No, explain why not: N/A

**III. DEFENDANTS (in order listed on the caption)**

(1) Name of first defendant: Correctional Medical Services (CMS)

Employed as Medical Provider at HRycI

Mailing address with zip code: P.O. Box 9561 Wilmington, De  
19809

(2) Name of second defendant: Ms. Othello Kitchen Supvr (HrycI)

Employed as Kitchen Supervisor at HRycI

Mailing address with zip code: P.O. Box 9561 Wilmington, De  
19809

(3) Name of third defendant: Ms. Rice

Employed as Job Counselor at HRycI

Mailing address with zip code: P.O. Box 9561 Wilmington, De  
19809

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

## IV. STATEMENT OF CLAIM

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

1. C.M.S., Dr.<sup>s</sup> Have Refused To Treat me, for numbness in Limbs, and the Results of my Blood Tests show Liver Damage. When Dr. Kewdal Told me about the Liver Damage, it was 3 months "after" the Results
  2. Came Back. I Have Been in Severe Pain, in my left Hand & Arm Since January, But the Trouble Started Back in October of 2005. Also, I am in very Severe Pain in my Stomach area, Just over Top of
  3. my liver area, and they were giving me medicine for Acid, an Acid Reducer, instead of Noticing the Symptoms of Hepatitis C. They took more Blood, But I Haven't Heard anymore from them. Also, The Nurses Have Been Discussing my medical condition with unauthorized People Here.
- See Attached Sheets

## V. RELIEF

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. I want the Court To award me 3 million Dollars, for Pain & Suffering Another million Dollars for my medical condition Being Discussed with unauthorized People working Here in The Prison

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 11<sup>th</sup> day of April, 2006.

Jeffrey W. Mitchem  
(Signature of Plaintiff 1)

\_\_\_\_\_  
(Signature of Plaintiff 2)

\_\_\_\_\_  
(Signature of Plaintiff 3)

# Part IV of law Suit Page 1 of 3

## Statement of Claim

Back in October of 2005, I was working in the kitchen at HRYCF, and my joints in my shoulder became very stiff & sore. I put in a sick call, because my left arm was going numb, and I thought I was having a heart attack. It took them almost a month to call me down to the medical department here at HRYCF. They took blood, and did a "work up". also they did X-Rays of my shoulder, front & back, + an X-Ray of my lower back. I asked the X-Ray technician why she was X-Raying my lower back. She said "nurse Melony ordered it". I told her that there wasn't anything wrong with my back, so I had to speak with nurse Melony. Nurse Melony said that "maybe there was a pinched nerve in my lower back". So they took the X-Rays. after that, I went back to work in the kitchen. Then one day, Ms. Othello got mad at me because I was unable to work that day, due to pain in my shoulder & left arm. Ms. Othello made the statement, "The people down at medical said there isn't anything wrong with you!" I said, "who said that, because I'm hurt"? She answered, "I can't tell you that". after a reasonable amount of time, I filed a grievance, because I needed medical attention, and they were refusing to call me back down for a "follow up". Eventually, I go to the grievance hearing, and Dana Baker, the medical supervisor pretty much ignored me, taking my pleas for help as that of a hypochondriac. She said my X-Rays were lost, as was my file. She said

## Statement of Claim

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She would get me Back Down To Medical To Re-X-Ray me The "Following Tuesday", it never Happened. Then on 3-6-06, I Filed yet another Sick Call Request, This one was Hand Delivered By a Black Nurse, name unknown. 21 Days later, The Deputy warden Came on The Pod, and I Spoke with Him Concerning The Trouble I was Having getting medical attention. (I forgot To mention The fact That I Had asked The Deputy warden for Help in This matter Before) I Showed The Deputy warden a 21 Day old Return of a Sick Call Slip I Had put in on 3/6/06. He

Said He would Copy The Request, and get me Help, and He got me to Medical That night on 3/27/06. Dr. Kendal then Showed me The Results of The Blood work up, That Had Been done Months Prior, The Results of which Had Been in my File Since January of 06. Dr. Kendal Said my liver was Damaged, and That it may Be Hepititus "C". I Became angry at The fact that noBody Told me, and That I Had Been given Acid Pills, when all along, it was my liver.

They knew This, Yet Decided NOT To Say anything. when Dr. Kendal Seen my anger, (and when I say anger, NOT To The Point of anyone Being in Danger) He Said, "it's NOT me! They Rush me, and wont let me Treat you guys". Dr. Kendal also Said "Another Dr. Signed off on you". Then on 3/29/06, I Seen Scott Altman, The new Medical Grievance man. I Refused To sign off on The Grievance until I get Treated. on 4/4/06 at Code <sup>8:30 AM</sup> green, The Medical Dept. Took more Blood, To check for "Hepititus C". I Have'NT Heard anything Back yet.

Statement of Claim

Continued

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Also, Ms. Rice, The Job Counselor Here at H.R.Y.C.I., got into an argument with me, concerning my medical condition. She Told me During our argument, that I told her my lower Back was fine. I told her I never told her any such thing, since there was never anything wrong with my back. This shows she had spoken with someone in the medical department concerning my medical status, because there is only one person who thought that maybe my back had a pinched nerve.

Ms. Rice took my job status, based on what they were telling her down in the medical dept. and to this day, I still, have NOT received any treatment, just a bunch of promises.

Jeffrey W. Mitchem

S.B.I. # 164815

P.O. Box 9561

Wilmington, De.

19809

Q-8

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United States District Court  
844 N. King Street, Lock Box 18  
Wilmington, Delaware

19801- 3570

U.S. MAIL  
U.S. MAIL  
X-RAY

